

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

FILED  
U.S. DISTRICT COURT  
BRUNSWICK DIV.

2006 OCT 10 A 9 40

CLERK *L. Salviatore*  
SO. DIST. OF GA.

MICHAEL ANGELO WILSON,

Plaintiff,

v.

CIVIL ACTION NO.: CV206-151

WAYNE V. BENNETT, Sheriff;  
GLYNN COUNTY DETENTION  
CENTER, and RON CORBETT,  
Under Sheriff,

Defendants.

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, an inmate currently incarcerated at the Glynn County Detention Center in Brunswick, Georgia, has filed an action pursuant to 42 U.S.C. § 1983 contesting the conditions of his confinement. A prisoner proceeding in a civil action against officers or employees of government entities must comply with the mandates of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915 & 1915A. In determining compliance, the court shall be guided by the longstanding principle that *pro se* pleadings are entitled to liberal construction. Haines v. Kerner, 404 U.S. 519, 520, 92 S. Ct. 594, 596, 30 L. Ed. 2d 652, 654 (1972); Walker v. Dugger, 860 F.2d 1010, 1011 (11th Cir. 1988).

28 U.S.C. § 1915A requires a district court to screen the complaint for cognizable claims before or as soon as possible after docketing. The court must dismiss the complaint or any portion of the complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1) and (2).

In Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997), the Eleventh Circuit interpreted the language contained in 28 U.S.C. § 1915(e)(2)(B)(ii), which is nearly identical to that contained in the screening provisions at § 1915A(b). As the language of § 1915(e)(2)(B)(ii) closely tracks the language of Federal Rule of Civil Procedure 12(b)(6), the court held that the same standards for determining whether to dismiss for failure to state a claim under Rule 12(b)(6) should be applied to prisoner complaints filed pursuant to § 1915(e)(2)(B)(ii). Mitchell, 112 F.3d at 1490. The court may dismiss a complaint for failure to state a claim only where it appears beyond a doubt that a *pro se* litigant can prove no set of facts that would entitle him to relief. Hughes v. Rowe, 449 U.S. 5, 10, 101 S. Ct. 173, 176, 66 L. Ed. 2d 163, 169-70 (1980); Mitchell, 112 F.3d at 1490. While the court in Mitchell interpreted § 1915(e), its interpretation guides this Court in applying the identical language of § 1915A.

Plaintiff alleges that has been denied certain prescribed medications by officials at the Glynn County Detention Center. Plaintiff asserts that on several occasions, he was not awakened from his sleep by the guards to receive his medication. Plaintiff further asserts that his requests to be seen by a physician were refused. Plaintiff contends that the persons dispensing medications at the Glynn County Detention Center should be registered nurses, not guards.

Plaintiff has named the Glynn County Detention Center as a Defendant. While local governments qualify as "persons" to whom section 1983 applies, Monell v. Dep't of Soc. Servs., 436 U.S. 658, 663, 98 S. Ct. 2018, 2022, 56 L. Ed. 2d 611 (1978), a detention center is merely an arm of such governments, and is not generally considered a legal entity subject to suit. Dean v. Barber, 951 F.2d 1210, 1215 (11th Cir. 1992). Accordingly,

Plaintiff cannot state a claim against the Glynn County Detention Center, as it is merely the vehicle through which the County governs and is not a proper party defendant. Shelby v. City of Atlanta, 578 F. Supp. 1368, 1370 (N.D. Ga. 1984).

Plaintiff also has named Wayne V. Bennett, the Glynn County Sheriff, and Ron Corbett, the Glynn County Under-Sheriff, as Defendants in this case. However, Plaintiff makes no factual allegations against Defendants Bennett or Corbett, and instead appears to hold them liable based solely on their positions as Sheriff and Under-Sheriff. In section 1983 actions, liability must be based on something more than a theory of respondeat superior. Braddy v. Fla. Dep't of Labor and Employment Sec., 133 F.3d 797, 801 (11th Cir. 1998).

#### **CONCLUSION**

Based on the foregoing, it is my **RECOMMENDATION** that Plaintiff's Complaint be **DISMISSED**.

So **REPORTED** and **RECOMMENDED**, this 10<sup>th</sup> day of October, 2006.

  
JAMES E. GRAHAM  
UNITED STATES MAGISTRATE JUDGE